

Exhibit 13

Gizzi, Paul

From: John Hanamirian <jmh@hanamirian.com>
Sent: Monday, July 22, 2019 3:16 PM
To: Ellenbogen, Bennett
Cc: Tepperman, Wendy B.; Gizzi, Paul
Subject: RE: American River Bankshares, NY-9615

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Ben:

I am in receipt of the letter you attached to the below email. I provided my client's position in my last email and in our phone conversation last Friday. As a macro-level note, I think you can appreciate that accepting service of a subpoena is only for the purpose of avoiding personal service; it is an accommodation to you without any substantive meaning. Second, I do find that the issuance of the Subpoena without the continued Proffer is in bad faith. You issued two identical subpoenas for the same matter, one before and one after the Proffer. You waited for nearly a year and articulated no basis for the need for further sworn testimony. Stating that you might "revisit" a Subpoena after a proffer and actually stating that you would require testimony in that regard are more than two different things. Your further articulation of my client's position is not entirely accurate or necessary. If, and when we are facing a Magistrate Judge, I will again state my client's position on his behalf and we can further refute your cited cases and other authorities, none of which apply. We remain willing to continue under the terms of the Proffer. Let me know.



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From: Ellenbogen, Bennett <EllenbogenB@SEC.GOV>

Sent: Monday, July 22, 2019 2:47 PM

To: John Hanamirian <jmh@hanamirian.com>

Cc: Tepperman, Wendy B. <TeppermanW@SEC.GOV>; Gizzi, Paul <GizziP@SEC.GOV>

Subject: American River Bankshares, NY-9615

Hello:

Please see attached.

Thank you.